

RS. 46:8-27

LEGISLATIVE FACT SHEET

ON *Registration Statements - Owners
of Residential Property*

N.J.R.S. *46:8-27*

(Amendment)

LAWS OF 1974

CHAPTER 50

SENATE

ASSEMBLY 1587

INTRODUCED *April 16, 1974*

BY *Baer, LaFante, Woodson et al.*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING *none discovered*

VETO *no*

Press release: yes

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ASSEMBLY, No. 1587

STATE OF NEW JERSEY

INTRODUCED APRIL 16, 1974

By Assemblymen BAER, LefANTE, WOODSON, HYNES, KEAN, MARTIN, HAMILTON, JACKMAN, OWENS, BROWN, GLADSTONE, HERMAN, CONTILLO, VISOTCKY, KOZLOSKI, Assemblywoman TOTARO, Assemblymen HOLLENBECK, RUANE, MacINNES, Assemblywoman CURRAN, Assemblymen SALKIND, RYS, BURSTEIN and Assemblywoman CROCE

Referred to Committee on Commerce, Industry and Professions

AN ACT requiring the filing of registration statements with municipalities by certain owners of residential property under certain circumstances, and further requiring the furnishing of the same information by such owners to their respective tenants.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The term "landlord", as used in this act, shall mean the
2 person or persons who own or purport to own any building, struc-
3 ture or complex of buildings or structures in which there is rented
4 or offered for rent housing space for living or dwelling purposes
5 under either a written or oral lease ***[and for either term or month**
6 **to month]***, provided that this definition shall not include owner-
7 occupied two and three unit premises.

1 2. Every landlord shall, within 30 days following the effective
2 date of this act, or at the time of the creation of the first tenancy in
3 any newly constructed or reconstructed building, file with the clerk
4 of the municipality in which the residential property is situated,
5 ***[the local police department, or, if none, the State Police having**
6 **jurisdiction over the municipality in which the property is**
7 **located,]*** a statement which shall contain the following
7A information:

8 a. The name and address of the record owner or owners of the
9 premises and the record owner or owners of the rental business if
10 not the same persons;

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill
is not enacted and is intended to be omitted in the law.

11 b. If the record owner is a corporation, the name and address of
12 the registered agent and corporate officers of said corporation;

13 c. If the address of any record owner is not located in the county
14 in which the premises are located, the name and address of a person
15 who resides in or has an office in the county in which the premises
16 are located and is authorized to accept notices from a tenant and to
17 issue receipts therefor and to accept service of process on behalf
18 of the record owner;

19 d. The name and address of the managing agent of the premises,
20 if any;

21 e. The name and address, including the dwelling unit, apartment
22 or room number of the superintendent, janitor, custodian or other
23 individual employed by the record owner or managing agent to
24 provide regular maintenance service, if any;

25 f. The name, address and telephone number of an individual
26 representative of the record owner or managing agent who may be
27 reached or contacted at any time in the event of an emergency
28 affecting the premises or any unit of dwelling space therein, includ-
29 ing such emergencies as the failure of any essential service or
30 system, and who has the authority to make emergency decisions
31 concerning the building and any repair thereto or expenditure in
32 connection therewith;

33 g. The name and address of every holder of a recorded mortgage
34 on the premises.

35 Every landlord hereby required to file a registration statement as
36 described in this section hereinabove shall file an amended registra-
37 tion statement within 7 days after any change in the foregoing in-
38 formation required to be included thereon.

1 3. Within 30 days following the effective date hereof, and at the
2 time of the creation of a new tenancy, every landlord shall provide
3 each occupant or tenant in his dwelling a written statement con-
4 taining all the information required to be filed in accordance with
5 section 2. of this act. Commencing 30 days following the effective
6 date hereof, the information shall also be posted at all times in the
7 lobby or other conspicuous place on the premises. In the event that
8 any information contained in said statement shall change, the land-
9 lord shall advise each occupant or tenant of the change in writing
10 within 30 days and correct the information posted within 7 days
11 after said change.

1 4. All information required under section 2. and 3. of this act
2 shall stipulate the date of preparation.

1 5. In any action in the county district court by an occupant or

2 tenant against a landlord who has not complied with ***[section 2. c.**
 3 **of]*** this act and who cannot be served within the county, the
 4 summons and complaint may be served by certified **and regular**
 5 mail upon the record owner **at the last address listed in the tax*
 6 *records of either the municipality or county**. Service of such sum-
 7 mons and complaint by certified **and regular** mail shall be ***[as]**
 8 effective to bring the landlord before the county district court ***[as**
 9 **though the same]** **even if it** were **not** served within the county
 10 in which the county district court issuing the summons is located.

1 6. Service of process on the clerk of the county district court
 2 having jurisdiction over the county in which the property is located
 3 shall be deemed service on the landlord upon submission to the
 4 court of the following:

5 a. ***[An affidavit]** **A certification** of the tenant stating that
 6 ***[the landlord has failed to post on the premises the information,**
 7 and also has failed to provide the tenant with the information
 8 required in compliance with this act and that] **he does not know*
 9 the landlord's whereabouts after having made a ****[reasonable]****
 10 ****diligent**** effort *** , satisfactory to the court, *** to determine the
 10A same; and

11 ***[b. A certification by the municipal clerk that the landlord has**
 12 failed to file with him the information required in compliance with
 13 this act.]*

14 **b. Proof of failure of service by certified mail as provided in*
 15 *section 5 of this act.**

1 7. In any action for possession instituted by a landlord who has
 2 failed to comply with the provisions of this act, no judgment for
 3 possession shall be entered until there has been compliance. The
 4 court shall continue such case for up to 90 days and if there has
 5 not been compliance within such period, the action shall be
 6 dismissed.

1 **8. The county district court shall have jurisdiction over any*
 2 *action between a landlord and tenant where the amount in contro-*
 3 *versy is \$3,000.00 or less.**

1 ***[8.]* *9.*** Any landlord who shall violate any provision of this
 2 act shall be liable to a penalty of not more than \$100.00 for each
 3 offense, recoverable by the State ***[in a civil action]** **by a summary*
 4 proceeding under the "Penalty Enforcement Law" (N. J. S.
 5 2A:58-1 et seq.). The county district court of the county
 6 in which the premises are located shall have jurisdiction to enforce
 7 said penalty enforcement upon complaint of the Attorney General
 8 or any other person.

1 ***[9.]* *10.*** Any written or oral provision in any agreement

2 whereby any tenant waives any rights under this act shall be
3 deemed against public policy and unenforceable.

1 ***[10.]*** *11.* If any section, subsection, paragraph, sentence or
2 other part of this act is adjudged unconstitutional or invalid, such
3 judgment shall not affect, impair or invalidate the remainder of
4 this act, but shall be confined in its effect to the section, subsection,
5 paragraph, sentence or other part of this act directly involved in the
6 controversy in which said judgment shall have been rendered.

1 ***[11.]*** *12.* This act shall take effect immediately.

ASSEMBLY, No. 1587

STATE OF NEW JERSEY

INTRODUCED APRIL 16, 1974

By Assemblymen BAER, LEFANTE, WOODSON, HYNES, KEAN, MARTIN, HAMILTON, JACKMAN, OWENS, BROWN, GLADSTONE, HERMAN, CONTILLO, VISOTCKY, KOZLOSKI, Assemblywoman TOTARO, Assemblymen HOLLENBECK, RUANE, MACINNES, Assemblywoman CURRAN, Assemblymen SALKIND, RYS, BURSTEIN and Assemblywoman CROCE

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4 or offered for rent housing space for living or dwelling purposes
5 under either a written or oral lease and for either term or month to
6 month, provided that this definition shall not include owner-
7 occupied two and three unit premises.

1 2. Every landlord shall, within 30 days following the effective
2 date of this act, or at the time of the creation of the first tenancy in
3 any newly constructed or reconstructed building, file with the clerk
4 of the municipality in which the residential property is situated,
5 the local police department, or, if none, the State Police having
6 jurisdiction over the municipality in which the property is located,
7 a statement which shall contain the following information:

8 a. The name and address of the record owner or owners of the
9 premises and the record owner or owners of the rental business if
10 not the same persons;

11 b. If the record owner is a corporation, the name and address of
12 the registered agent and corporate officers of said corporation;

13 c. If the address of any record owner is not located in the county

14 in which the premises are located, the name and address of a person
15 who resides in or has an office in the county in which the premises
16 are located and is authorized to accept notices from a tenant and to
17 issue receipts therefor and to accept service of process on behalf
18 of the record owner;

19 d. The name and address of the managing agent of the premises,
20 if any;

21 e. The name and address, including the dwelling unit, apartment
22 or room number of the superintendent, janitor, custodian or other
23 individual employed by the record owner or managing agent to
24 provide regular maintenance service, if any;

25 f. The name, address and telephone number of an individual
26 representative of the record owner or managing agent who may be
27 reached or contacted at any time in the event of an emergency
28 affecting the premises or any unit of dwelling space therein, includ-
29 ing such emergencies as the failure of any essential service or
30 system, and who has the authority to make emergency decisions
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9 lord shall advise each occupant or tenant of the change in writing
10 within 30 days and correct the information posted within 7 days
11 after said change.

1 4. All information required under section 2. and 3. of this act
2 shall stipulate the date of preparation.

1 5. In any action in the county district court by an occupant or
2 tenant against a landlord who has not complied with section 2. c. of
3 this act and who cannot be served within the county, the summons
4 and complaint may be served by certified mail upon the record

5 owner. Service of such summons and complaint by certified mail
6 shall be as effective to bring the landlord before the county district
7 court as though the same were served within the county in which
8 the county district court issuing the summons is located.

1 6. Service of process on the clerk of the county district court
2 having jurisdiction over the county in which the property is located
3 shall be deemed service on the landlord upon submission to the
4 court of the following:

5 a. An affidavit of the tenant stating that the landlord has failed
6 to post on the premises the information, and also has failed to pro-
7 vide the tenant with the information required in compliance with
8 this act and that he does not know the landlord's whereabouts after
9 having made a reasonable effort to determine the same; and

10 b. A certification by the municipal clerk that the landlord has
11 failed to file with him the information required in compliance with
12 this act.

1 7. In any action for possession instituted by a landlord who has
2 failed to comply with the provisions of this act, no judgment for
3 possession shall be entered until there has been compliance. The
4 court shall continue such case for up to 90 days and if there has
5 not been compliance within such period, the action shall be
6 dismissed.

1 8. Any landlord who shall violate any provision of this act shall
2 be liable to a penalty of not more than \$100.00 for each offense,
3 recoverable by the State in a civil action by a summary proceeding
4 under the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.).
5 The county district court of the county in which the premises are
6 located shall have jurisdiction to enforce said penalty enforcement
7 upon complaint of the Attorney General or any other person.

1 9. Any written or oral provision in any agreement whereby any
2 tenant waives any rights under this act shall be deemed against
3 public policy and unenforceable.

1 10. If any section, subsection, paragraph, sentence or other part
2 of this act is adjudged unconstitutional or invalid, such judgment
3 shall not affect, impair or invalidate the remainder of this act, but
4 shall be confined in its effect to the section, subsection, paragraph,
5 sentence or other part of this act directly involved in the contro-
6 versy in which said judgment shall have been rendered.

1 11. This act shall take effect immediately.

STATEMENT

The identity of landlords is often unknown to tenants. Accordingly, when a tenant cannot receive adequate service from the landlord's agent, if there is one, he is unable to bring the matter to the attention of the actual owner or landlord of the premises. In instances where there are emergencies affecting the habitability of the premises, this results in extreme hardship to the tenant. Further, when a tenant initiates a court action against the owner or landlord, he is unable to serve process upon the owner or landlord because the identity and address of that person are not available. This bill will cure these problems by requiring landlords to post and issue to tenants a statement setting forth information sufficient to make known the identity of the owner of the premises, an agent to accept service of process for the owner of the premises, and a representative of the owner of the premises who may be reached at any time. The bill also provides that if a landlord fails to properly supply such information, he shall not be able to receive a judgment for possession of the premises and shall be liable to a penalty.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 1587
with Assembly committee amendments

STATE OF NEW JERSEY

ADOPTED APRIL 29, 1974

Amend page 2, section 5, line 2, after "with", omit "section 2. c. of".

Amend page 2, section 5, line 4, after "certified", insert "and regular".

Amend page 3, section 5, line 5, after "owner", insert "at the last address listed in the tax records of either the municipality or county".

Amend page 3, section 5, line 5, after "certified", insert "and regular".

Amend page 3, section 5, line 6, after "shall be", omit "as".

Amend page 3, section 5, line 7, after "court", omit "as though the same", insert "even if it".

Amend page 3, section 5, line 7, after "were", insert "not".

Amend page 3, section 6, line 5, after "a.", omit "An affidavit", insert "A certification".

Amend page 3, section 6, line 5, after "that", omit "the landlord has failed".

Amend page 3, section 6, lines 6-7, omit in their entirety.

Amend page 3, section 6, line 8, omit "this act and that".

Amend page 3, section 6, lines 10-12, omit in their entirety, insert "b. Proof of failure of service by certified mail as provided in section 5 of this act."

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1587

—♦—
STATE OF NEW JERSEY
—♦—

ADOPTED APRIL 29, 1974

Amend page 1, section 1, lines 5-6, omit "and for either term or month to month".

Amend page 1, section 2, lines 5-6, omit in their entirety.

Amend page 3, section 7, after line 6, insert new section 8 to read as follows:

"8. The county district court shall have jurisdiction over any action between a landlord and tenant where the amount in controversy is \$3,000.00 or less."

Renumber sections 8 through 11 as sections 9 through 12.

Amend page 3, section 8, line 3, omit "in a civil action".

FROM THE OFFICE OF THE GOVERNOR

JUNE 25, 1974

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Tuesday four bills designed to afford tenants greater protection against abuses by landlords.

The bills, sponsored by Assemblyman Byron M. Baer, D-Bergen, are:

- A 1585, which requires landlords to make available to tenants information concerning the availability of federal crime insurance.
- A 1586, which prohibits evictions except for "good cause."
- A 1587, which requires landlords to make public the identity of the owner and an agent who may be reached at any time.
- A 940, which requires landlords to give notice of evictions.

The measures, which passed the Legislature unanimously, are the major elements in Byrne's proposed tenants' "Bill of Rights."

In signing the bills at a public ceremony, the Governor said the new laws are in keeping with a campaign commitment to propose significant tenant-landlord legislation.

"These bills will help protect the hundreds of thousands of renters in New Jersey against arbitrary and unreasonable actions by landlords," said Byrne.

"In the past, most of the rights granted to tenants had to be obtained by going to the courts," he said. "The legislative and executive branches have now seen fit to take similar action to protect the rights of tenants."

Among other things, the bills would:

- prohibit landlords from evicting tenants except for "good cause," such as nonpayment of rent, destruction of property due to negligence or disobeying valid rules and regulations.
- require landlords to give written notice to tenants of eviction proceedings.
- require landlords to advise tenants on the availability of federal crime insurance and the procedure for obtaining it.

Participating in the public ceremony were Mr. Baer and Sylvia Aranow, president of the New Jersey Tenants Organization.

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